



City of Seattle

**Department of Planning and Development**

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Number:** 3012487  
**Applicant Name:** Josh Jensen for J.A. Jack & Sons  
**Address of Proposal:** 5427 Ohio Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow 1,000 cubic yards\* of maintenance dredging for heavy manufacturing use. (Shoreline Exemption issued under permit 6286036).

Seattle Municipal Code (SMC) requires the following approvals:

**SEPA – Environmental Determination.** (Chapter 25.05 Seattle Municipal Code)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

\*Proposal has been modified to allow for the removal of an additional 2-feet of sediment, for a total volume of material to be dredged at approximately 1,140 cubic yards.

## **BACKGROUND INFORMATION**

Site Location: The project is located west of East Marginal Way South, south of South Brandon Street and adjacent to the Duwamish River. The site address is 5427 Ohio Avenue South.

Zoning: General Industrial 1- U/85'.

Shoreline Environment: Urban Industrial (UI). A Shoreline Exemption was issued under the Site Work permit application 6286036.

Environmental Critical Areas: The site is designated Liquefaction Prone Soils, Archaeological Buffer Area and Shoreline Habitat Buffer.

Parcel Size: The parcel size is 145,602 square feet.

Existing Use: Heavy Manufacturing (calcium carbonate product handling facility).

Public Comment: The public comment period ended on September 7, 2011. No public comments were received.

The Proposal: The proposal is to conduct maintenance dredging activities in an area measuring approximately 1,400 square feet at the J. A. Jack operation berth due to a limestone spill. About 1,000 cubic yards (CY) of limestone material will be dredged to restore the berth area to its original depth of approximately -16 feet mean lower low water (MLLW). In addition to the removal of spilled limestone material an additional 2-feet of sediment below the bottommost surface of the spilled limestone material will be removed and a 1-foot clean sand cover will be placed over the dredged area resulting in a total depth of -17 feet MLLW. The total volume of material to be dredged (both limestone and sediment) is approximately 1,140 CY and the total volume of fill is approximately 70 CY.

Limestone will be transferred from the barge via an existing conveyor to an upland location on site that is confined by ecology blocks within the limestone processing facility. The dredged limestone material will be reused or disposed of at an approved upland location. No in-water disposal of limestone is proposed. Sediment removed from underneath the limestone material will be transported via barge to an existing off-site pier, offloaded to a dump truck, and transferred to an approved upland disposal facility.

## **ANALYSIS - SEPA**

Disclosure of the potential impacts from this project was made in the SEPA Checklist dated August 1, 2011, revised SEPA checklist dated October 24, 2011, JARPA Application dated June 8, 2011, Geotechnical Assessment dated October 24, 2011, and Biological Evaluation prepared by Anchor QEA. These documents, including submitted plans, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising

substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary impacts are expected: increased levels of fugitive dust and fumes from the construction equipment, increased truck trip traffic, potential for the unintentional release of fuel, lubricants or hydraulic fluid from construction equipment, runoff from stockpiled materials, increased turbidity, temporary increase in noise levels, impacts to migration and rearing habitat for Federally listed threatened species- Chinook salmon and Bull trout, and impacts to a potential archaeologically significant site. Due to the temporary nature and limited scope of these impacts, and the Best Management Practices and conservation measures to be implemented as part of the project proposal, direct impacts to the water quality, and plants and animals resulting from the dredging project are not considered significant and no further mitigation is required (SMC 25.05.794).

The following Best Management Practices (BMPs) and conservation measures have been included on the plans and will be implemented to minimize environmental impacts during the maintenance dredging project:

- Work will be done during the approved in-water work window of October 1 through February 15.
- Turbidity and other water quality parameters will be monitored to ensure construction activities are in compliance with the Washington State Surface Water Quality Standards (173-201A WAC), or other conditions as specified in the Water Quality Certification (WQC).
- Appropriate BMPs will be employed to minimize sediment loss and turbidity generation during dredging. BMPs may include, but are not limited to the following:
  - Eliminating multiple bites while the bucket is on the bottom
  - No stockpiling of dredged material on the riverbed
  - No riverbed leveling
  - Other conditions as specified in the WQC
- Depending on the results of the water quality monitoring program, enhanced BMPs may also be implemented to further control turbidity. Enhanced BMPs may include, but are not limited to the following:
  - Slowing the velocity (i.e., increasing the cycle time) of the ascending loaded clamshell bucket through the water column

- Pausing the dredge bucket near the bottom while descending and near the water line while ascending
- Placing filter material over the barge scuppers to clear return water
- The barge will be managed such that the dredged sediment load does not exceed the capacity of the barge. The load will be placed in the barge to maintain an even keel and avoid listing. If determined to be necessary based on sediment sampling results, hay bales and/or filter fabric may be placed over the barge scuppers to help filter suspended sediment from the barge effluent.
- Dredge vessel personnel will be trained in hazardous material handling and spill response and will be equipped with appropriate response tools, including absorbent oil booms. If a spill occurs, spill cleanup and containment efforts will begin immediately and will take precedence over normal work.
- The dredging contractor will inspect fuel hoses, oil or fuel transfer valves, and fittings on a regular basis for drips or leaks in order to prevent spills into the surface water.
- The contractor shall be responsible for the preparation of a Spill, prevention, Control, and Countermeasure (SPCC) Plan to be used for the duration of the project. The SPCC Plan shall be submitted to the Project Engineer prior to the commencement of any construction activities. A copy of the SPCC Plan, and any updates, will be maintained at the work site by the contractor and will include the following:
  - The SPCC Plan shall identify construction planning elements and recognize potential spill sources at the site. The SPCC Plan shall outline responsive actions in the event of a spill or release and shall describe notification and reporting procedures. The SPCC Plan shall outline contractor management elements such as personnel responsibilities, project site security, site inspections, and training.
  - The SPCC Plan will outline what measures shall be taken by the contractor to prevent the release or spread of hazardous materials, either found on site and encountered during construction but not identified in contract documents, or any hazardous materials that the contractor stores, uses, or generates on the construction site during construction activities. These items include, but are not limited to, gasoline, oils, and chemicals. Hazardous materials are defined in RCW 70.105.010 under “hazardous substance.”
  - The contractor shall maintain at the job site the applicable equipment and material designated in the SPCC Plan.

The following BMPs and conservation measures will be implemented to minimize environmental impacts during dredged material transport and placement:

- Visual water quality monitoring and, if necessary, follow-up measurements will be conducted around the barge at the removal site and in transit to the upland placement location to confirm the material is not being released during transit.

The following BMPs and conservation measure will be implemented to minimize environmental impacts during placement of the nominal 1-foot clean sand cover:

- Materials will meet project specifications regarding fine content so as to minimize the potential for elevated turbidity in receiving waters during placement.
- Materials will be placed by uniformly discharging materials from a conveyor. Materials will be uniformly discharged as a stream of material, as opposed to being abruptly discharged, in order to provide for uniform bottom coverage and minimize impacts to the receiving surface.

The following BMPs and conservation measures will be implemented per the Shoreline Exemption received for the Project:

- Refer to any applicable Hydraulic Project Approval and Army Corps permit for allowable in-water work timing.
- All conditions of Army Corps and WDFW permits apply.
- Appropriate BMPs shall be employed to prevent deleterious material from entering the aquatic environment during dredging, including use of containment boom and all other feasible measures to avoid or minimize turbidity increases, release of nutrients, heavy metals, sulfides, organic materials or toxic substances, and dissolved oxygen depletion in the surrounding waters and environment of the project area.
- If floating debris enters the water, the debris shall be removed from the water daily, be stored on-site and be disposed of at an appropriate upland facility.
- If heavy (sinking) debris enters the water during the proposed work, the location of this debris shall be documented in a log that is kept on site for the duration of the project. When the proposed work is completed, all sunken debris that has entered the water during construction shall be retrieved and be disposed of in an appropriate upland facility.
- Appropriate BMPs shall be employed to minimize the amount of erosion at the shoreline caused by construction material storage and staging, and the proposed construction work. Limestone/dredged material will be transported to the upland storage area via the existing conveyor.
- If toxic material such as any petroleum product enters the water, this material shall be reported to the Department of Ecology, and shall be immediately contained using the appropriate equipment and material.
- Appropriate equipment and material for hazardous material clean up shall be kept at the site during construction.

Several adopted codes and/or ordinances provide mitigation for other identified short-term impacts such as air quality, storm water runoff, and noise. Specifically these are: State Air Quality Codes administered by the Puget Sound Air Pollution Control Agency; the Seattle Noise Ordinance; Grading Code, Building Code, and Environmental Critical Areas Ordinance. However to mitigate impacts to a potential archaeologically significant site the proposal will be conditioned to require DPD and the State Department of Archaeology and Historic Preservation to be notified if resources of potential archaeological significance are encountered during excavation or construction so that appropriate evaluation and consultation and mitigation can take place before site work resumes.

#### Long Term Impacts

No Long-term or use related impacts are anticipated from the proposal.

#### **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C)
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2)(C).

#### **CONDITIONS –SEPA**

##### Prior to Issuance of the Building Permit

1. Place note on Construction Plans that states: “If resources of potential archaeological significance are encountered during construction or excavation, the responsible project manager/director shall stop work immediately and notify the Department of Planning and Development and the State Department of Archaeology and Historic Preservation so that appropriate evaluation and consultation and mitigation can take place before construction resumes.”

*For the Life of the Project*

2. If resources of potential archaeological significance are encountered during construction or excavation, the responsible project manager/director shall stop work immediately and notify the Department of Planning and Development and the State Department of Archaeology and Historic Preservation so that appropriate evaluation and consultation and mitigation can take place before construction resumes.

Signature: (Signature on File)  
Stephanie Haines, Senior Land Use Planner  
Department of Planning and Development

Date: November 14, 2011

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